

REMARKS

In response to the Office Action dated May 4, 2010, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 1, 3-18, and 20-23, 25, 27-30, and 32 are pending in this application.

Rejection of Claims under § 103 (a)

The Office rejected claims 1, 3-18, 20-25, 27-30, and 32 under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent 7,212,979 to Matz.

First, claim 24 has been canceled, so the rejection of claim 24 is moot.

Next, the remaining claims cannot be anticipated by *Matz*. These claims have been amended to recite, or to incorporate, new features. Independent claim 1, for example, recites “*when a viewer action commands a channel change in the viewer appliance, then remotely executing the viewer action to a new stream of programming*” and “*when the viewer action is not the channel change, then locally executing the viewer action at the viewer appliance.*” Support for these features may be found at least in the as-filed application at page 11, lines 20-25. Independent claims 9, 18, 23, and 25 recite similar features.

Claims 1, 3-18, and 20-23, 25, 27-30, and 32, then, cannot be anticipated by *Matz*. The independent claims recite new features, and the dependent claims incorporate these new features and recite additional features. The Office is thus respectfully requested to remove the § 102 (e) rejection of these claims.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott P. Zimmerman". The signature is stylized with large, sweeping loops and a prominent vertical stroke in the center.

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